

**RESOLUTION NO. 2015-29**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF KEY BISCAYNE, FLORIDA APPROVING A  
VARIANCE TO CONSTRUCT A VIEWING PLATFORM  
THAT EXCEEDS THE MAXIMUM PROJECTION ON  
PROPERTY LOCATED AT 820 MASHTA PLACE; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Timothy Bryan (the “Applicant”) is the owner of 820 Mashta Place, Key Biscayne, Florida; and

**WHEREAS**, pursuant to Section 30-63 of the Village Code of Ordinances (the “Village Code”), the Applicant has submitted a Planning and Zoning Application, bearing Public Hearing # RV-35, seeking to vary the maximum viewing platform requirements of Section 30-100(f)(4) of the Village Code (the “Variance”); and

**WHEREAS**, after proper public notice, the Village Council conducted a public hearing and considered all testimony and other evidence presented and otherwise made part of the record.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

**Section 1.    Recitals Adopted.** The recitals set forth above are hereby adopted and confirmed.

**Section 2.    Findings.** The Village Council finds that the Applicant has met all of the requirements in Section 30-63 of the Village Code. Specifically, the Village Council finds that the Variance will: (a) result in conditions that maintain and are consistent in all material respects with the intent and purpose of the Village Code, and that the general welfare, stability and appearance of the community will be protected and maintained; and (b) be compatible with the surrounding land uses, and otherwise consistent with the Village Code and the Comprehensive Plan, and will not be

detrimental to the community.

**Section 3. Approval of Variance.** The Village Council hereby approves the Applicant's request to vary the provisions of Section 30-100(f)(4) of the Village Code to permit a viewing platform to project 84 feet 4 inches from the seawall.

**Section 4. Recording.** This Resolution shall be recorded, prior to the issuance of a building permit, by the Applicant at its expense in the public records of Miami-Dade County. A copy of the proof of recordation shall be submitted to the Building, Zoning and Planning Department prior to the issuance of any building permits.

**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 26th day of May, 2015.

  
MAYOR MAYRA PEÑA LINDSAY

ATTEST:

  
CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

  
VILLAGE ATTORNEY

